

Matthew J. Ruggles (SBN 173052)
mruggles@ruggleslawfirm.com

RUGGLES LAW FIRM
7940 California Avenue
Fair Oaks, CA 95628
(916) 758-8058 Tel
(916) 758-8048 Fax

Attorney for Plaintiff Housi Kakar

Jamie Rudman (SBN 166727)
rudman@sanchez-amador.com

Patricia Arias Musitano (SBN 197662)
musitano@sanchez-amador.com

SANCHEZ & AMADOR, LLP
800 S. Figueroa Street, 11th Floor
Los Angeles, California 90017
(213) 955-7200 Tel
(213) 955-7201 Fax

Attorneys for Defendant JPMorgan Chase Bank,
N.A.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

HOUSI KAKAR,

Plaintiff,

v.

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 2:22-CV-00561-TLN-CKD

**JOINT STIPULATION TO SET ASIDE
DEFAULT AND ORDER**

Complaint Filed: March 28, 2022
Default Entered: April 21, 2022

TO THE COURT:

Plaintiff Housi Kakar and Defendant JPMorgan Chase Bank, N.A. (collectively the
“Parties”), hereby stipulate pursuant to Rule 55(c) to set aside the default entered against
Defendant JPMorgan Chase Bank, N.A. (“Chase”) on April 21, 2022 (ECF No. 6), as follows:

1 1. Federal Rule of Civil Procedure 55(c) allows a court to set aside entry of default for
2 “good cause,” and allows the court to set aside default pursuant to Federal Rule of Civil Procedure
3 60(b). Under Federal Rule of Civil Procedure 60(b), the court may grant relief from a final
4 judgment or order for mistake, inadvertence, surprise, or excusable neglect. See Fed. R. Civ. P.
5 60(b)(1.)

6 2. Plaintiff filed the Complaint in this matter on March 28, 2022, and served it upon
7 CT Corporation, Chase’s agent for service of process, on March 29, 2022. Chase’s last day to file
8 a responsive pleading was April 19, 2022. (See Federal Rule of Civil Procedure 12(a).)

9 3. The Court entered default on April 21, 2022 (ECF No. 6). Plaintiff served CT
10 Corporation with the Clerk’s Certificate of Entry of Default on June 21, 2022.

11 4. Having received no response, on July 2, 2022, Plaintiff’s counsel reached out to an
12 attorney that previously represented Defendant in an unrelated matter to inquire as to the
13 representation and lack of response.

14 5. Due to that inquiry, Chase’s litigation department first learned of the Summons and
15 Complaint in this matter and promptly investigated. Chase’s litigation team determined that on or
16 about February 15, 2022, its Legal Papers Served Department adopted a new, automated system
17 for coding documents served on CT Corporation. This system incorrectly coded the documents
18 served in this case, which resulted in the Summons and Complaint not being sent to the litigation
19 team. To help prevent such errors in the future, Chase discontinued use of that automated system.

20 6. Chase asserts that it failed to respond within the time permitted by law due to a
21 mistake of fact or excusable neglect in that the Summons and Complaint were inadvertently
22 miscoded, resulting in the litigation team being unaware of the Summons and Complaint until
23 Plaintiff’s counsel reached out. By that time, this Court had entered default. Chase further asserts
24 that as soon as information about the Summons and Complaint reached the litigation department,
25 it began working with Plaintiff’s counsel to obtain this Stipulation..

26 7. Defendant asserts in good faith that it has good and meritorious defenses to the
27 claims for relief alleged, due to Plaintiff having been terminated for non-discriminatory legitimate
28 reasons.

1 8. Plaintiff will not be prejudiced by setting aside the default.

2 9. THEREFORE, the Parties respectfully request this Court set aside the default
3 entered on April 21, 2022 (ECF No. 6) against Defendant, JPMorgan Chase Bank, N.A., and allow
4 Defendant, JPMorgan Chase Bank, N.A., to file its response to the Complaint within 21 days from
5 the date of entry of this order.

6
7 DATED: July 25, 2022

RUGGLES LAW FIRM

8 /s/ Matthew J. Ruggles
9 (as authorized on 7/22/22)

10 _____
Matthew J. Ruggles
Attorney for Plaintiff Housi Kakar

11 DATED: July 25, 2022

SANCHEZ & AMADOR, LLP

12
13 /s/ Jamie Rudman

14 _____
Jamie Rudman
Patricia Arias Musitano
Attorneys for Defendant JPMorgan Chase Bank,
15 N.A.
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

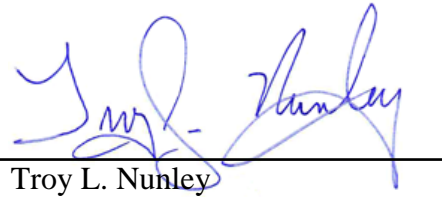
Having read the Parties Joint Stipulation to Set Aside Default, and good cause appearing, the Court hereby Orders as follows:

Joint Stipulation to Set Aside Default is GRANTED. The Default against JPMorgan Chase Bank, N.A. entered on April 21, 2022 at ECF No. 6 is hereby STRICKEN.

Defendant will respond to the Complaint within 21 days of entry of this order.

IT IS SO ORDERED.

Dated: July 25, 2022


Troy L. Nunley
United States District Judge